

RECEIVED
CENTRAL FAX CENTER

JAN 08 2007

Serial No. 09/921,978
Docket No. NEC01P145-RJa
Ref. No. WAK.092

2

REMARKS

Claims 1-12 are all the claims presently pending in the application.

Claims 1-12, all of the claims currently pending, stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,868,931 to Hultgren. This rejection respectfully is traversed.

I. THE CLAIMED INVENTION

The invention recited in Claim 1 is directed to a method of electronically settling a purchase price to be paid by a purchaser in a store. The electronic payment system includes a mobile station held and operated by the purchaser¹, a personal information input terminal in the store², and a payment center³.

The method includes, at the personal information input terminal², notifying the payment center³, by the store personal information input terminal² through a public mobile communication network, of the purchase price, a mobile subscriber number of the mobile station held by the purchaser¹, and personal information for identifying the purchaser to request payment processing. The method further includes, at the payment center³, comparing the personal information notified by the store personal information input terminal² with personal information stored in the payment center³ to determine whether the purchaser is eligible for the electronic payment. At the mobile station¹, if the purchaser is qualified for the electronic payment, the mobile station held and operated by the purchaser¹ is notified of the purchase price with the mobile subscriber number through the public mobile communication network to request the purchaser to verify the purchase price.

When the purchase price is verified, the payment center³ is notified, and a home location register is notified using the public mobile communication network by the payment center³ of the purchase price to request update of accounting information in order to collect the verified purchase price together with a charge for the mobile station¹. The store is notified by the payment center³ that the electronic payment has been completed after the

¹ As discussed below, the recited mobile station is considered by the Office to be met by the merchant communication module 204 disclosed by Hultgren.

² As discussed further below, the recited personal information input terminal in the store is considered by the Office to be met by the customer communication module 202 disclosed in Hultgren.

³ As discussed further below, the recited payment center is considered by the Office to be met by the merchant terminal 70 disclosed by Hultgren.

Serial No. 09/921,978
Docket No. NEC01P145-RIA
Ref. No. WAK.092

3

request for update of the accounting information.

Claim 3 recites an electronic payment system for electronically settling a purchase price to be paid by a purchaser in a store. The system includes a mobile station held by the purchaser, and a personal information input terminal in the store for notifying the purchase price, a mobile subscriber number of the mobile station, and personal information for identifying the purchaser from the store personal information input terminal through a public mobile communication network to request payment processing. The system also includes a payment center for comparing the personal information notified by the personal information input terminal with personal information stored in the payment center to determine whether the purchaser is eligible for the electronic payment. The system carries out the method of claim 1. That is, if the purchaser is eligible for the electronic payment, the payment center also notifies the mobile station of the purchase price with the mobile subscriber number through the public mobile communication network to request the purchaser to verify the purchase price. When the payment center receives a notification from the mobile station that the purchase price is verified, the payment center notifies a home location register over the public mobile communication network of the purchase price to request update of accounting information in order to collect the verified purchase price together with a charge for the mobile station, and then notifies the store that the electronic payment has been completed.

Claim 5 recites a payment center device for electronically settling a purchase price to be paid by a purchaser in a store. The device includes a personal information database for storing personal information to identify the purchaser, and comparing means for receiving and comparing personal information notified by the store with the personal information stored in the personal information database to determine whether the purchaser is eligible for the electronic payment. The device also includes bill format converting means for converting information on the purchase price into accounting information in a format unique to a public mobile communication network connectable to a mobile station held by the purchaser, and payment processing control means for notifying the mobile station of the purchase price through the public mobile communication network to request the purchaser to verify the purchase price if the comparing means determines that the purchaser is eligible for the electronic payment in response to notification of the purchase price, a mobile subscriber number of the mobile station, and the personal information from the store through the public

Serial No. 09/921,978
Docket No. NEC01P145-RIA
Ref. No. WAK.092

4

mobile communication network to request payment processing. Upon receipt of notification from the mobile station that the purchase price is verified, the payment processing control notifies a home location register over the public mobile communication network of the purchase price to request update of accounting information in order to collect the verified purchase price together with a charge for the mobile station. The purchase price is converted by the bill format converting means into accounting information in the format unique to the public mobile communication network. Then the payment processing control means notifies the store that the electronic payment is completed.

Claim 7 recites a personal information input terminal for requesting payment of a payment center for electronically settling a purchase price to be paid by a purchaser in store. The terminal includes point-of-sale interface means for receiving notification of the purchase price from a point-of-sale terminal to which the purchase price is entered, and entry means for entering a mobile subscriber number of a mobile station held by the purchaser. The personal information input terminal also features personal information detecting means for detecting personal information for identifying the purchaser, and control means for notifying the payment center through a public mobile communication network connectable to the mobile station of the purchase price received from the point-of-sale terminal through the point-of-sale interface means, the mobile subscriber number entered through the entry means, and the personal information detected by the personal information detecting means to request payment processing.

Claim 9 recites a computer-readable medium encoded computer program for enabling a computer to perform electronic payment of a purchase price to be paid by a purchaser in store. The program has a first set of instructions for comparing personal information, notified by the store, with personal information, stored in a database, to determine whether the purchaser is qualified for the electronic payment. A second set of instructions is provided for converting information on the purchase price into accounting information in a format unique to a public mobile communication network connectable to a mobile station held by the purchaser. A third set of instructions is for notifying the mobile station of the purchase price through the public mobile communication network to request the purchaser to verify the purchase price if the purchaser is qualified for the electronic payment in response to notification of the purchase price, a mobile subscriber number of the mobile station, and the

Serial No. 09/921,978
Docket No. NEC01P145-RLa
Ref. No. WAK.092

5

personal information from the store through the public mobile communication network to request payment processing. Upon receipt of notification from the mobile station that the purchase price is verified, the instructions include notifying a home location register over the public mobile communication network of the purchase price to request update of accounting information in order to collect the verified purchase price together with a charge for the mobile station, the purchase price being converted into accounting information in a format unique to the public mobile communication network. After the request for update of the accounting information, the instructions provide for notifying the store that the electronic payment is completed.

Claim 10 recites a computer-readable medium encoded with a computer program for enabling a computer to perform a payment request to an electronic payment center for electronically settling a purchase price to be paid by a purchaser in a store. The program includes a first set of instructions for receiving information input to a point-of-sale terminal to extract the purchase price from the information, and a second set of instructions for detecting an input a mobile subscriber number of a mobile station held by the purchaser. A third set of instructions for detecting input personal information for identifying the purchaser, and a fourth set of instructions provides for notifying the payment center through a public mobile communication network connectable to the mobile station of the purchase price, the mobile subscriber number, and the personal information to request payment processing.

II. THE PRIOR ART REJECTION

The Hultgren Reference

The Office action contends that Hultgren teaches the claimed invention. Applicant submits, however, that there are elements of the claimed invention which are neither taught nor suggested by Hultgren.

Hultgren discloses payment systems and methods in which personal information and payment data are transmitted by the purchaser to the payment center. See FIG. 3A. The Office equates the merchant terminal 70 disclosed by Hultgren with the recited payment center. The customer communication module 202 is equated by the Office with the recited personal information input terminal in the store. Hultgren discloses that customer communication module 202 is accessed by customer mobile telephone 60 shown in FIG. 1. If

Serial No. 09/921,978
Docket No. NEC01P145-RIa
Ref. No. WAK.092

6

a transaction is denied, customer mobile telephone 60 is notified. The notification comes from the customer's financial institution through customer communication module 202, according to Hultgren. See, *inter alia*, col. 7, lines 39-47 of Hultgren.

Hultgren does not teach or suggest a system and method that involves the personal information input station (customer communication module 202) notifying the payment center (merchant terminal 70) of the mobile subscriber number of the mobile station held by the purchaser (merchant communication module 204). Indeed, the merchant communication module 204 is a program module contained in the telepay service note (TSN) 30, and therefore is not a mobile station held by the purchaser and has no mobile subscriber number. Instead, Hultgren discloses that the mobile subscriber number of the customer mobile station 60 is, by means of customer communication module 202, notified to the customer's financial institution.

Indeed, following the logic as best understood by Applicant, Hultgren as interpreted by the Office teaches transmission of the purchaser's proprietary mobile subscriber number to the merchant's terminal. Applicant respectfully submits that this incongruity results from the misidentifications by the Office of the recited mobile station, the recited personal information input terminal, and the recited payment center respectively with the merchant communication module 204, the customer communication module 202, and the merchant terminal 70 disclosed by Hultgren.

Hultgren does not disclose a system or method that includes notifying the payment center (merchant terminal 70) by the store personal information input terminal (customer communication module 202) of the purchase price, mobile subscriber number, and purchaser identification information.

In the systems and methods disclosed by Hultgren the purchaser mobile station notifies the payment center of the price. Thus, Hultgren teaches systems and methods that operate in a manner directly opposite to those of the present invention, in which the payment center notifies the purchaser mobile station of the price.

For these and other reasons, Applicant submits that there are elements of the claimed invention that are not taught or suggested by Hultgren. Therefore, the Examiner is respectfully requested to withdraw this rejection.

RECEIVED
CENTRAL FAX CENTER

JAN 08 2007

Serial No. 09/921,978
Docket No. NEC01P145-RIA
Ref. No. WAK.092

7

III. FORMAL MATTERS AND CONCLUSION

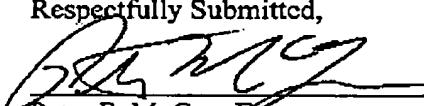
In response to the rejection of claims 1-12 as being anticipated under 35 U.S.C. § 102(e) by Hultgren, Applicant has traversed the rejection as set forth above.

In view of the foregoing, Applicant submits that claims 1-12, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 8 January 2007

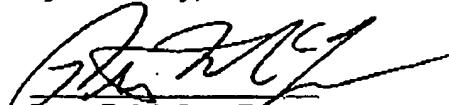
Peter F. McGee, Esq.
Registration No. 35,947

Sean M. McGinn, Esq.
Registration No. 34,386

McGinn Intellectual Property
Law Group, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that I am filing this Response Under 37 CFR §1.116 by facsimile with the United States Patent and Trademark Office to Examiner Kristen S. Apple, Group Art Unit 3693 at fax number (571) 273-8300 this 8th day of January, 2007.



Peter F. McGee, Esq.
Registration No. 35,947